

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KEITH ADAIR DAVIS,

Plaintiff,

V.

WILLIAM HAYES, et al.,

### Defendants.

CASE NO. C16-1709 RSM

## ORDER STRIKING OBJECTIONS AS UNTIMELY

This matter comes before the Court on Plaintiff Keith Adair Davis' Objections to the Second Report and Recommendation. Dkt. #31. On March 24, 2017, a Second Report and Recommendation ("R&R") was issued in this matter, allowing Plaintiff to file Objections no later than Tuesday, April 11, 2017. Dkt. #26 at 14. The R&R stated "The Clerk should note the matter for Thursday, April 13, 2017, as ready for the District Judge's consideration if no objection is filed." *Id.* No objections were received by the Court. On April 14, 2017, the Court issued its Order adopting the R&R. Dkt. #30.

On April 27, 2017, the Court received Objections from Plaintiff via mail. Dkt. #31. The envelope containing the Objections indicates a postmark of April 25, 2017, however Plaintiff dated his Objections April 10, 2017. *Id.* Plaintiff's Objections do not discuss timeliness. *Id.*

1 The Court finds that Plaintiff's Objections are untimely. The deadline to file Objections  
2 was Tuesday, April 11, 2017. Although Plaintiff dates his Objections the day before this deadline,  
3 the record appears to indicate that Plaintiff's Objections were mailed two weeks after this deadline.  
4 The Court has no basis to grant Plaintiff relief from the deadline or to take Plaintiff's date of  
5 signing as fact over the evidence of late filing above. Accordingly, the Court will strike these  
6 Objections. The Court notes that it has reviewed the Objections and, even if it had considered  
7 them, nothing contained therein would cause the Court to deviate from its prior Order adopting the  
8 Second R&R.

9 Accordingly, the Court finds that Plaintiff Davis' Objections to the Second Report and  
10 Recommendation (Dkt. #31) are STRICKEN as untimely.

Dated this 2<sup>nd</sup> day of May 2017.

  
RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE